

EPA REGION 3 ENVIRO-BYTES

A Wrap-Up of Issues & Events in EPA's Mid-Atlantic Region
March 13, 2001

Customer Service Hotline 1-800-438-2474
Business Assistance Hotline 1-800-228-8711
Superfund Hotline 1-800-553-2509
Internet Address: <http://www.epa.gov/region03>

Welcome to Enviro-Bytes, a weekly news wrap-up from the U.S. Environmental Protection Agency's Region 3 mid-Atlantic office in Philadelphia. If you are reading Enviro-Bytes as a hard copy or on the Internet and would like to receive it regularly by e-mail, do the following:

1) send a message to:
listserver@unixmail.rtpnc.epa.gov

2) the subject may be anything

3) type in the body of the message:
subscribe usepar3news (your name)

SUPREME COURT DECLINES TO HEAR APPEAL ON STATE NOX PLANS

On March 5, the U.S. Supreme Court declined to hear an appeal by various utilities, industry groups and a number of upwind states from the D.C. Circuit's ruling on EPA's Nitrogen Oxide State Implementation Plan Call rule. The rule requires states to submit plans to limit their NOx emissions so as not to contribute to unhealthy levels of ozone in downwind states. The Court's refusal to hear the case leaves intact the D.C. Circuit's decision on March 3, 2000, which largely upheld the rule. The petitioners claimed that the October 27, 1998, final rule exceeded EPA's authority under the Clean Air Act to address interstate transport of nitrogen oxide in the eastern one-half of the U.S. In appealing to the Supreme Court, industry and various states argued that EPA had failed to take into account differences in the amount each state actually contributes to pollution. They also questioned the part of the D.C. Circuit's ruling that held EPA's authority to determine which upwind states "contribute significantly" to the downwind areas was sufficiently defined under the Clean Air Act. This represents a large step forward in the Agency's ability to

implement the NOx SIP Call rule.

REGION 3 STATES NEED \$10.7 BILLION FOR DRINKING WATER INFRASTRUCTURE

On March 1, EPA's Office of Ground Water and Drinking Water released the second survey of estimated costs for drinking water facilities to meet federal drinking water standards over the next 20 years. The report is required every four years under the Safe Drinking Water Act. Only costs of facilities eligible to receive assistance under the revolving loan fund program are included in the report. The needs survey is the basis for distributing funds among the states. Compared to the first needs report released in 1997, needs in Maryland increased by about 30 percent and in Pennsylvania by about 10 percent; reported needs in Virginia decreased by about 30 percent. Reasons for these fluctuations are not clear. Response rates of facilities in each state were strong.

STATES MAY OPT TO ASSIST ANIMAL FEEDING OPERATIONS WITH STORMWATER MANAGEMENT

On March 2, the Office of Wastewater Management issued a new policy which modifies the eligibility for funding confined animal feeding operations and privately owned stormwater projects, if they are located within designated estuaries. States may now opt to provide loans to private parties for the installation of best management practices related to stormwater management. Such activities remain ineligible outside of the designated estuary areas. Combined animal feeding operations are a significant pollution problem within the Chesapeake Bay watershed area, but because the Bay is not a designated estuary under the Clean Water Act, CAFOs located in the Bay watershed remain ineligible for loans. Further broadening of eligibilities would require an amendment to the Clean Water Act.

PLANS BEGIN ON NORTH DELAWARE RIVERFRONT DEVELOPMENT

On March 2, the Philadelphia Planning Commission and Congressman Borski hosted the first of several information sessions for stakeholders and the public on the comprehensive plan for the North Delaware Riverfront Development. Project sponsors, managers, and consultants described the plan for the waterfront development and how the process is organized. This exciting project will provide a new opportunity to apply world-class standards for land use and design to one of the

Philadelphia region's major assets - its waterfront. This project will be lead by urban designer and landscape architect James Corner of Field Operations. The consultant team also includes Greenburg Consultants of Toronto, CHPlanning of Philadelphia, Hamilton, Rabinovitz and Alschuler of New York, and the local firms of SRK, the Hill Environmental Group and Prime Building Corporation.

EPA WORKS WITH VA DEVELOPER TO MINIMIZE RUNOFF IMPACT IN STAFFORD COUNTY

Celebrate Virginia! is a 1400-acre proposed development in Stafford County, Virginia, consisting of a campus-style office park, commercial and retail areas and three golf courses. It is almost entirely in a small watershed known as England Run. The potential impacts to wetlands areas are nearly 10 acres and almost 32,000 linear feet of U.S. waters could be impacted. To address this concern, EPA and the Army Corps of Engineers are working with the developer to implement a low-impact design and a highly distributed stormwater management program. Detailed runoff models will be used to predict the runoff from different development scenarios. In addition, the developer has agreed to mitigate for the unavoidable linear feet of waters of the United States impacts through a variety of measures scattered throughout the watershed including stormwater retrofits for already developed portions of the watershed.

EPA, ARMY AND DISTRICT SHARE SAMPLING PLAN AT D.C. ARSENIC SITE

At a community meeting March 14, government officials from EPA, the Army Corps of Engineers and the D.C. Department of Health will share a draft sampling plan to collect soil samples from approximately 1,200 homes and other properties in the Spring Valley neighborhood in northwest Washington, D.C. The neighborhood was home to a Department of Defense Ordnance production facility which is the source of the arsenic contamination. In addition to the residential sampling, soil will be collected from former World War I field testing sites in the neighborhood. Sampling should begin in May and take eight months to complete.

End